



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Darryl E. RUBIN et al.

Serial No.: 09/457,109

Filed: December 7, 1999

For: COMPUTER USER INTERFACE
ARCHITECTURE WHEREIN BOTH
CONTENT AND USER INTERFACE ARE
COMPOSED OF DOCUMENTS WITH
LINKS

Atty. Docket No.: 003797.81487

Group Art Unit: 2176

Examiner: Nguyen, M.

Confirmation No.: 7310

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Box AF

U.S. Patent and Trademark Office

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Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated November 9, 2005, and the Advisory Action dated February 8, 2006, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual error with respect to interpretation of the Smith reference (U.S. Pat. No. 6,772,139) and Fraenkel

reference (U.S. Pat. No. 6,151,622) as well as other cited references. The specific errors relied upon in this Pre-Appeal Brief Request for Review include the following:

- The Office made a clear factual error in its analysis of the cited prior art. As argued in the Amendment and Response dated January 11, 2006 (page 6), and in the Amendment and Response dated August 31, 2005 (page 8), Smith fails to teach or suggest Applicants' claim 21 feature, "wherein the link relates a spot in a document page with an executable object." The Office equates an executable object with navigation to a target web page. However, this interpretation is clearly in error with respect to Applicants' original written description at page 3, lines 10-14. Navigation is not an executable object. The only execution in Smith is performed by a web browser, not a link.
- The Office made another clear factual error in its analysis of the cited prior art. As argued in the Amendment and Response dated January 11, 2006 (pages 6-7), and in the Amendment and Response dated August 31, 2005 (pages 8-9), Smith fails to teach or suggest Applicants' claim 2 feature, "wherein the display format of the link is based upon an examination of the content of a target document associated with the link."
- The Office made another clear factual error in its analysis of the cited prior art. As argued in the Amendment and Response dated January 11, 2006 (pages 7-8), and in the Amendment and Response dated August 31, 2005 (page 9), Smith fails to teach or suggest Applicants' claim 3 feature, "wherein the link has a property indicating the display update latency of the link." The cited portions of Smith describe that a link property may be updating, but clearly fail to show a property indicating the display update latency of a link.
- The Office made another clear factual error in its analysis of the cited prior art. As argued in the Amendment and Response dated January 11, 2006 (page 8), and in the Amendment and Response dated August 31, 2005 (page 9), Smith fails to teach or suggest Applicants' claim 4 features. The cited portions of Smith fail to teach or suggest two links to a same document page. Smith only describes general navigation by links to different pages of an electronic document or websites.

- The Office has made a clear factual error in its interpretation of the Smith reference, e.g., as previously argued in the Amendment and Response dated January 11, 2006, page 9, first full paragraph with respect to Applicants' dependent claims 9, 12, and 13.
- The Office has made a clear factual error in its interpretation of the Fraenkel reference, e.g., as previously argued in the Amendment and Response dated January 11, 2006, page 9, third full paragraph with respect to Applicants' dependent claim 6.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office's consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3155.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: March 9, 2006

By:


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